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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,305	11/18/2003	Toshie Imai	MIPEP066	6467
25920 7590 07/23/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
PARK, CHAN S				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
07/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,305

Applicant(s)

IMAI ET AL.

Examiner

CHAN S. PARK

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 4/9/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/9/08 has been entered.

Response to Amendment

2. Applicant's amendment was received on 4/9/08, and has been entered and made of record. Currently, **claims 1-3 and 5-11** are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3 and 5-11 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the step of terminating the trimming process "in case the subject area will be cut as a result of the trimming" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

The following quotations of 37 § CFR 1.75(d)(1) is the basis of objection:

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description (See § 1.58(a)).

5. **Claims 8 and 11** are objected to under 37 § CFR 1.75(d)(1) as failing to conform to the invention as set forth in the remainder of the Specification. The Specification must show every feature of the invention specified in the claims. Therefore, "the computer readable medium" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Perhaps, the "recording media" described in the paragraph [0007] of the Summary of the Invention should be amended to explicitly state "computer-readable medium".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1 and 6-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims recite the limitation of terminating the trimming process "in case the subject area will be cut as a result of the trimming". It is noted that the step of determining whether the subject area will be cut as a result of the trimming must be executed before the actual trimming process. If this is true, how can this method terminate the trimming process which was never started? Referring to

S520 in fig. 15 of the Original Specification/Drawings, the trimming process is never terminated based on the determination. Clarification/explanation is respectfully requested from the Specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 and 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Enomoto U.S. Patent No. 6,801,334.

With respect to claim 1, Enomoto teaches an image processing method, comprising:

supplying, to an image processing device (device for executing the steps shown in fig. 17), image data produced by an image-producing device (scanner or camera in col. 23, lines 27-40) which is separate from the image processing device, and image production record information (the type of lens used for the image data in S556 in step 17A) related to the image data, the image production record information being produced by the image-producing device (col. 22, lines 48-60); and

under control of the image processing device, executing a trimming process upon determining whether or not to trim the image data based on the image production record information produced by the image-producing device (col. 58, line 65 ~ col. 59, line 16 & note that the trimming permissible region is determined from the type of lens used in S556~S562),

wherein the image production record information includes at least subject area information representing a subject area in an image (trimming permissible region in S562 in fig. 17A); and

the trimming process is terminated in case the subject area will be cut as a result of the trimming (col. 58, line 65 ~ col. 59, line 16).

With respect to claim 2, Enomoto teaches an image processing method according to claim 1, wherein

the image production record information includes at least exposure program information and photograph scene information (col. 31, lines 25-39), and

the trimming process is executed, in case the exposure program information and photograph scene information meet specific conditions (col. 31, lines 25-39).

With respect to claim 3, Enomoto teaches an image processing method according to claim 2, wherein the specific conditions include selection of a normal program which is set as default for the exposure program information, and selection of a standard scene which is set as default for the photograph scene information (col. 31, lines 25-39).

With respect to claim 5, Enomoto teaches an image processing method according to claim 1, wherein the trimming process is a process in which an image is enlarged or reduced, while preserving an aspect ratio, to a size encompassing a designated image output size, and portions extending outside the image output size are cut off (col. 59, lines 44-67).

With respect to claims 6-8, arguments analogous to those presented for claim 1, are applicable.

With respect to claim 10, Enomoto discloses an image processing device (device for executing the steps shown in fig. 17) for processing an image using image data and subject area position information related to the image data (trimming permissible region in S562 in fig. 17A), the subject area position information representing a position of a subject area in the image (fig. 18), the image processing device comprising:

an image data processor for executing a trimming process on the image data (performing the trimming process in col. 59, lines 58-67) upon determining whether or not to execute the trimming process based on the subject area position (col. 58, line 65 ~ col. 59, line 16).

With respect to claims 9 and 11, arguments analogous to those presented for claim 10, are applicable. Note that Enomoto discloses an image producing device in col. 23, lines 27-40).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/
Examiner, Art Unit 2625

July 17, 2008